



# PUBLIC NOTICE

**Federal Communications Commission**  
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**DA 03-2641**

**THE WIRELINE COMPETITION BUREAU SEEKS COMMENT ON THE  
MINNESOTA PUBLIC UTILITIES COMMISSION'S PETITION TO REDEFINE  
RURAL TELEPHONE COMPANY SERVICE AREAS IN THE STATE OF  
MINNESOTA**

**CC Docket No. 96-45**

**Release Date: August 12, 2003**

**Comment Date: August 26, 2003**

**Reply Comment Date: September 9, 2003**

The Wireline Competition Bureau seeks comment on a petition filed by the Minnesota Public Utilities Commission (Minnesota Commission) pursuant to section 54.207(c) of the Commission's rules, requesting Federal Communications Commission agreement with the Minnesota Commission's proposal to redefine certain rural telephone company service areas in the state of Minnesota.<sup>1</sup> The Minnesota Commission proposes to redefine the service areas of the following rural telephone companies: CenturyTel, Citizens Telephone Company, Frontier Communications of Minnesota, Inc., Mid-State Telephone Company d/b/a KMP (TDS Telecom), Scott-Rice Telephone Company, United Tel Co. of Minnesota (UTC of Minnesota), Federated Telephone Company, Melrose Telephone Company (diversiCOM), Winsted Telephone Company (TDS Telecom), Eckles Telephone Company (Blue Earth Valley Telephone Company), Lakedale Telephone Company, and Farmers Mutual Telephone Co. The Minnesota Commission proposes to redefine these rural telephone company service areas into service areas that conform to the licensed service area of Midwest Wireless Communications (MidWest), a wireless telecommunications carrier that has recently been designated as an eligible telecommunications carrier.<sup>2</sup> Specifically, the Minnesota Commission proposes to classify each of the rural telephone company wire centers as separate service areas.<sup>3</sup> To the extent that

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<sup>1</sup> *Petition of the Minnesota Public Utilities Commission for Agreement to Redefine the Service Areas of Twelve Minnesota Rural Telephone Companies*, CC Docket No. 96-45, filed on August 7, 2003 (Minnesota Commission Petition).

<sup>2</sup> *Id.* at 7.

<sup>3</sup> *Id.* at 10.

MidWest's licensed service area does not cover the entirety of a rural telephone company's wire center, the Minnesota Commission proposes to classify each such partial wire center as a separate service area.<sup>4</sup>

Commission Rules: For areas served by a rural telephone company, section 214(e)(5) of the Communications Act of 1934, as amended (the Act) provides that the company's service area will be its study area "unless and until the Commission and the States, after taking into account the recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company."<sup>5</sup> Section 54.207 of the Commission's rules and the *Universal Service Order* set forth the procedures for consideration of petitions seeking to designate service areas for rural telephone companies that are different from such companies' study areas.<sup>6</sup>

Section 54.207(c)(3) of the Commission's rules provides that the Commission may initiate a proceeding to consider a petition to redefine the service area of a rural telephone company within ninety (90) days of the release date of a Public Notice.<sup>7</sup> If the Commission initiates a proceeding to consider the Petition, the proposed definition shall not take effect until both the state commission and the Commission agree upon the definition of a rural service area, in accordance with section 214(e)(5) of the Act.<sup>8</sup> If the Commission does not act on the petition within 90 days of the release date of the Public Notice, the definition proposed by the state commission will be deemed approved by the Commission and shall take effect in accordance with state procedures.<sup>9</sup> Under section 54.207(e) of the Commission's rules, the Commission delegates its authority under section 54.207(c) to the Chief of the Wireline Competition Bureau.<sup>10</sup>

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **August 26, 2003**, and reply comments on or before **September 9, 2003**. Comments may be filed using the Commission's Electronic

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<sup>4</sup> *Id.* at 10-11; Attachment 3.

<sup>5</sup> *See* 47 U.S.C. § 214(e)(5).

<sup>6</sup> *See* 47 C.F.R. § 54.207(c). Specifically, section 54.207(c)(1) provides that such a petition shall contain: (i) the definition proposed by the state commission; and (ii) the state commission's ruling or other official statement presenting the state commission's reason for adopting its proposed definition, including an analysis that takes into account the recommendations of any Federal-State Joint Board convened to provide recommendations with respect to the definition of a service area served by a rural telephone company. *See also Federal-State Joint Board on Universal Service*, Report and Order, CC Docket No. 96-45, 12 FCC Rcd 8776, 8881 (1997) (subseq. history omitted).

<sup>7</sup> 47 C.F.R. § 54.207(c)(3).

<sup>8</sup> *See* 47 C.F.R. § 54.207(c)(3)(i); 47 U.S.C. § 214(e)(5).

<sup>9</sup> *See* 47 C.F.R. § 54.207(c)(3)(ii).

<sup>10</sup> 47 C.F.R. § 54.207(e).

Comment Filing System (ECFS) or by filing paper copies.<sup>11</sup>

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

Parties who chose to file by paper also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which ex parte communications are permitted subject to disclosure. For further information, contact Thomas Buckley, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.

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<sup>11</sup> See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).